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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 TRAVELL C. HOLMES,

12 Plaintiff,

13 v.
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15 DAVID BAUGHMAN, et al.,

16 Defendants.
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Case No. 2:20-cv-01496-KJM DB P

ORDER

18 Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C.
19 §1983. In December 2021, defendants filed motions to dismiss in which they argued that this
20 action is untimely. In an order filed February 1, 2022, this court dismissed defendants' motions
21 to dismiss without prejudice to their renewal as summary judgment motions. This court ordered
22 defendants to file either motions for summary judgment or requests for extensions of time within
23 thirty days.

24 Defendants seek an extension of time to move for summary judgment. They explain that
25 they intend to conduct discovery before filing a motion and will likely add an argument that
26 plaintiff failed to exhaust his administrative remedies before filing suit. Plaintiff also seeks an
27 extension of time to respond to defendants' motions. He states that he needs to gather evidence
28 before addressing defendants' arguments.

1 This court will grant both parties' motions. First, defendants will be ordered to answer the
2 first amended complaint. In addition, both parties will be ordered to inform the court whether
3 they feel an early settlement conference through the court's alternative dispute resolution program
4 is warranted. Thereafter, this court will schedule either a settlement conference or issue an order
5 setting deadlines for discovery and dispositive motions.

6 Accordingly, IT IS HEREBY ORDERED as follows:


7 1. Within 30 days of the filed date of this order, defendants shall file answers to the first
8 amended complaint and separate statements explaining whether they feel a settlement conference
9 is warranted at this time.

10 2. Also within 30 days of the filed date of this order, plaintiff shall file a statement
11 explaining whether he feels a settlement conference is warranted at this time.

12 3. Defendants' motion for an extension of time (ECF Nos. 48, 50) is granted. However, as
13 explained above, this court will not yet set a deadline for dispositive motions.

14 4. Plaintiff's motion for an extension of time (ECF No. 49) is granted.

15 Dated: March 2, 2022

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18 DEBORAH BARNES
19 UNITED STATES MAGISTRATE JUDGE
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23 DB prisoner inbox/civil rights/R/holm1496.sch answ
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